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June 4, 2021

### VIA ECF

Honorable John G. Koeltl  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: **United States v. Hayes, et al., No. 20 Cr. 500 (JGK)**

Dear Judge Koeltl:

We represent Defendant Samuel Reed and respectfully submit this letter on behalf of Mr. Reed and Defendants Arthur Hayes and Benjamin Delo, whose counsel are copied on this letter.

Pursuant to the conference with the Court on May 11, 2021 and the Court's order of May 11, 2021, ECF No. 71, Defendants are submitting two discovery motions to the Court today. One motion seeks to compel the government to produce *Brady* and Rule 16 materials in the possession of the U.S. Commodity Futures Trading Commission; the other motion seeks to compel the government under Rule 16 to produce certain devices in the government's possession. The full set of motion papers will be delivered to Chambers in both hard copy and electronic form.

Having conferred with the government pursuant to Your Honor's Individual Practices Rule IV.A.2, we respectfully seek leave from the Court to file these motions under seal at the present time because their supporting memoranda of law, declarations, and exhibits include materials the government has designated "Confidential" or "Sensitive" pursuant to the protective orders that have been entered in this case. ECF Nos. 23, 41, 55. The parties will confer on proposed redactions.

We are available at the Court's convenience to discuss any questions. Thank you.

Respectfully submitted,

/s/ Douglas K. Yatter

Douglas K. Yatter  
Benjamin Naftalis  
of LATHAM & WATKINS LLP

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cc: James J. Benjamin, Jr. (counsel for Arthur Hayes)  
Patrick J. Smith (counsel for Benjamin Delo)  
Harlan A. Levy (counsel for Benjamin Delo)  
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